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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/812,235	03/19/2001	William S. Hurst	CRTS-5681 (1417A P 574)/1	9437
7590 12/27/2004			EXAMINER	
Joseph B. Barrett, Esq. BAXTER HEALTHCARE CORPORATION Corporate Research & Technical Services One Baxter Parkway, DF3-3E Deerfield, IL 60015			CHAN, KO HUNG	
			ART UNIT	PAPER NUMBER
			3632	

DATE MAILED: 12/27/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.		Applicant(s)	
	09/812,235		HURST ET AL.	
	Examiner		Art Unit	
Korie H. Chan		3632		

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on 04 October 2004.

2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) 12, 18-33 and 35-48 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☒ Claim(s) 38 is/are allowed.

6) ☒ Claim(s) 12, 18-33, 35-37, 39-48 is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☒ The drawing(s) filed on 04 October 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) ☐ All b) ☐ Some * c) ☐ None of:

1. ☐ Certified copies of the priority documents have been received.

2. ☐ Certified copies of the priority documents have been received in Application No. _____.

3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)

Paper No(s)/Mail Date _____

4) ☐ Interview Summary (PTO-413)

Paper No(s)/Mail Date. _____

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 102

Claims 12, 20, 22, 29-30, 32, 34, 37, 39, 42-44, 46, and 47 stand rejected under 35 U.S.C. 102(b) as being anticipated by Haas et al (US patent no. 4,527,716). Haas discloses a hanger system for supporting a large volume flexible container forming a barrier to an interior of the container, the flexible container (13) disposed in a rigid box (12), the large-volume flexible container having sidewalls in supportive contact with sidewalls of the rigid box (26, figure 2) the system comprising a means (50, 51, 52, 60, 56) for upwardly biasing a top portion of the flexible container, the means being connected to the rigid box and the top portion of the flexible container, wherein the means further comprises a counter-weight or counter-force (55 and 56) is connected to the top portion of the flexible container (52, 60, 58) wherein the flexible container having a first perimeter defined by a substantially horizontal cross-sectional plane and the box having a second perimeter defined by the substantially horizontal cross-sectional plane when the flexible container is positioned within the box, the first perimeter being greater than the second perimeter (figure 2); wherein the top side of the flexible container with plurality of connection locations (44, 46) connected to the container hanger (50, 51); wherein at least one of the hanger (52) connect to a top side of the container spaced inward from the top outer perimeter edges; wherein the hanger applies variable upward force (col. 4, lines 20-24) such that the hanger to flexible container connection is vertically movable during use.

Claim 40 stands rejected under 35 U.S.C. 102(b) as being anticipated by Rings et al (US patent no. 5,382,117). Rings discloses a large-volume flexible container support system, comprising : a box (2) having an interior volume, a large-volume flexible container inside of the box (2) and having a size greater than the interior volume of the box, the container forming a sterile barrier to an interior of the container, and a container hanger (9 and 10) connected to a top portion of the large-volume flexible container and biasing the top portion of the large-volume flexible container upward, wherein the container hanger further comprises an elastic member assembly (9) connected to the top portion of the large-volume flexible container.

Claim Rejections - 35 USC § 103

Claims 35, 45, and 48 are rejected under 35 U.S.C. 103(a) as being unpatentable over by Haas et al (US patent no. 4,527,716). Haas disclosed all the claimed features of applicant's invention except for perimeter of the flexible container is greater than the perimeter of the box in the range of 2%-10% nor the volume of the flexible container is at least 200 liters. It would have been an obvious matter of design choice to have the perimeter of the flexible container is greater than the perimeter of the box in the range of 2%-10% and to have flexible container of at least 200 liters since applicant has not disclose any criticality or advantage in having such size or volume. Moreover other range of perimeter and volume would appear to perform as well.

Claims 12, 18-21, 23-31, 33, and 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over by Sasaki et al (US patent no. 5,788,121) in view of Love (US

patent no. 4,306,668). Sasaki discloses a flexible bag (104) disposed in a rigid box with diagonal seams with hanger connections (14, figure 4) for receiving a hanger and disposed inwardly of the top perimeter edge of the bag. However, Sasaki does not disclose a hanger system of the elastic type attached to the box and the top of the bag at the hanger connections. Love discloses a hanger system for supporting a large volume flexible container in a box, the large volume flexible container defining a sterile barrier to an interior of the container having a top side having a top outer perimeter edge and sidewalls in supportive contact with sidewalls (14, 15) of the box, the system comprising a container hanger (16, 17, figure 5) of the elastic type connected to the box and to a portion of the top side of the flexible container spaced inward from the top outer perimeter edge (figure 5) and applying an upward force to the portion of the flexible container during filling (col. 4, lines 17-20) wherein the flexible container has a perimeter greater than the perimeter of the box in the unstretched condition of the box along the same plane such that the bag is supported by the wall of the box. It would have been obvious to one of ordinary skill in the art to have provide Sasaki's bag-in-box system with elastic hanger for suspending the bag during filling and to provide a bag perimeter greater than the box perimeter such that the bag wall is supported by the box walls as taught to be desirable by Love. Further it would have been an obvious matter of design choice to have the hanger connection at 35%-65% of the length of the seam measured from the outer corner of the flexible container and to have a provide an interior volume of 200 liters.

Claim 38 is allowable.

Response to Arguments

Applicant's arguments filed 10/4/2004 have been fully considered but they are not persuasive. Applicant's argument that Haas's hook impales the upper portion of the liner cannot provide a sterile barrier to the container interior. Examiner respectfully disagrees. Sterile barrier does not preclude the hanger arrangement of Haas depending on the degree of sterilization. Regarding Sasaki, applicant argues that Sasaki does not disclose a volume of 200 liters, to increase the volume of a bag would have been a matter of design choice. Such increase in volume does not produce unexpected results.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

Application/Control Number: 09/812,235
Art Unit: 3632


Page 6

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Korie H. Chan whose telephone number is 703-305-8079. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leslie Braun can be reached on 703-308-2156. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Korie H. Chan
Primary Examiner
Art Unit 3632

khc
June 22, 2004